

Message Text

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INFO OCT-01 ISO-00 DHA-02 TRSE-00 OIC-02 HEW-04 DIWY-01

ORM-02 EB-08 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 AF-08 ARA-06

EA-07 EUR-12 NEA-10 USIE-00 INRE-00 NSCE-00 SSO-00

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APPROVED BY IO:DRTOUSSAINT

L:SSCHWEBEL

IO:CWMAYNES (BY PHONE)

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TO USMISSION GENEVA IMMEDIATE

INFO USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: UN, SHUM

SUBJECT: HUMAN RIGHTS COMMISSION: REALIZATION OF ECONOMIC,
SOCIAL AND CULTURAL RIGHTS (ITEM 7)

REF: A) GENEVA 1209; B) GENEVA 1153; C) STATE 24394

1. DEPARTMENT HAS CAREFULLY EXAMINED TEXT OF IRANIAN
RESOLUTION REPORTED REF A, WITH SPECIAL ATTENTION TO
REVISIONS MADE IN ORIGINAL IRANIAN PROPOSAL REPORTED
REF B. WE DO NOT BELIEVE THOSE CHANGES MEET OUR REQUIRE-
MENT THAT THERE BE NO INFERENCE THAT THE ENJOYMENT
OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS BE SEEN AS A
PRECONDITION TO THE ENJOYMENT OF CIVIL AND POLITICAL
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RIGHTS. OUR POSITION, AS STATED IN REF C, IS: "BASIC
CIVIL AND POLITICAL HUMAN RIGHTS REINFORCE AND PROMOTE
BASIC ECONOMIC RIGHTS AND NEEDS OF PEOPLE, AND VICE
VERSA." THERE SHOULD NOT BE, NOR SHOULD THERE SEEM
TO BE, A PRIMACY OR AN ORDER OF PRIORITY AMONG THESE
RIGHTS. WE ARE ALSO TROUBLED BY LANGUAGE REFERRING
TO FULL SOVEREIGNTY OVER NATIONAL WEALTH AND RESOURCES

BECAUSE IT IS SILENT ON OBLIGATIONS UNDER INTERNATIONAL LAW. TO TREAT "REFUSAL TO RECOGNIZE" SOVEREIGNTY OVER RESOURCES AS OBSTACLE TO ECONOMIC AND SOCIAL RIGHTS IS TO INFERENTIALLY SUPPORT UNACCEPTABLE POSITION

THAT U.S. SUPPORT OF RIGHTS OF ITS INVESTORS UNDER INTERNATIONAL LAW IS INADMISSIBLE.

2. WITH RESPECT TO SPECIFIC LANGUAGE WE HAVE THE FOLLOWING COMMENTS, WHICH REFER TO REVISED TEXT IN REF A:

-- PREAMBULAR PARA 5: THE ISSUE IS NOT EXERCISE OF SOVEREIGNTY BUT WHETHER THAT EXERCISE SHALL BE IN ACCORDANCE WITH INTERNATIONAL LAW OR SIMPLY IN ACCORDANCE WITH WHATEVER A NATIONAL POLICY HAPPENS TO BE. IN ORDER FOR THIS PARA TO BE ACCEPTABLE, IT SHOULD HAVE A QUALIFICATION TO THE EFFECT THAT THE EXERCISE OF SOVEREIGNTY IS CONSISTENT WITH THE PRINCIPLES OF INTERNATIONAL LAW.

-- PREAMBULAR PARA 8: THIS SERIOUSLY OVERSTATES THE UNQUESTIONED LINK BETWEEN ECONOMIC, SOCIAL AND CULTURAL RIGHTS ON THE ONE HAND AND CIVIL AND POLITICAL RIGHTS ON THE OTHER. WE DO NOT TAKE THE POSITION THAT THE FULL IMPLEMENTATION OF THE FORMER IS OF "CRUCIAL" IMPORTANCE TO THE REAL AND MEANINGFUL ENJOYMENT OF THE LATTER. THE WORD "CRUCIAL" IS BETTER THAN "PARAMOUNT," AS IN THE FIRST VERSION, BUT IT STILL LEAVES THE LIMITED OFFICIAL USE

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IMPLICATION THAT THE ENJOYMENT OF CIVIL AND POLITICAL RIGHTS MUST AWAIT THE FULL IMPLEMENTATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

-- OPERATIVE PARA 1: USE OF THE WORD "ESSENTIAL" CREATES THE SAME IMPLICATION AS PREAMBULAR PARA 8, I.E., THAT CIVIL AND POLITICAL RIGHTS MUST SOMEHOW PROCEED FROM THE FULL REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

-- OPERATIVE PARA 4: THIS SEEMS TO BE LEADING THE HRC INTO TAKING UNTO ITSELF A RESPONSIBILITY FOR MONITORING PROGRESS AND OBSTACLES IN THE FIELD OF ECONOMIC AND SOCIAL DEVELOPMENT WHEREAS THIS RESPONSIBILITY PROPERLY BELONGS TO OTHER UN ENTITIES. WHILE SOMEWHAT TROUBLED BY THE POTENTIAL OF THE ACTION CONTEMPLATED, WE WOULD NOT OPPOSE THE RESOLUTION ON THIS GROUND ALONE.

3. IN LIGHT OF OUR SERIOUS OBJECTIONS TO PREAMBULAR

PARAS 5 AND 8 AND OPERATIVE PARA 1, YOU SHOULD, IF TIME
ALLOWS, CONSULT WITH COSPONSORS ABOUT MAKING DELETIONS
OR CHANGES IN LANGUAGE ALONG LINES SUGGESTED ABOVE.
WITH RESPECT TO PREAMBULAR PARA 8 AND OPERATIVE PARA 1,

THE FORMULATION SUGGESTED BY USDEL IN REF B WOULD BE
SATISFACTORY. IF THESE CHANGES ARE MADE, YOU MAY JOIN
A CONSENSUS IN FAVOR OF THE RESOLUTION.

4. IF CHANGES ARE NOT MADE, YOU SHOULD ASK FOR A VOTE
AND ABSTAIN, DRAWING UPON THE RATIONALE PROVIDED ABOVE
TO EXPLAIN YOUR REASONS AND REITERATING OUR CONVICTION
THAT THE RIGHTS UNDER CONSIDERATION ARE AN INTERRELATED
WHOLE AND THAT ONE SET DOES NOT TAKE PRECEDENCE OVER
THE OTHER. YOUR STATEMENT SHOULD ALSO INCLUDE A FORTH-
RIGHT RECOGNITION OF THE IMMENSE IMPORTANCE WE ATTACH
TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS. YOU MAY WISH
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TO QUOTE FROM THE LANGUAGE OF REF C: "BASIC CIVIL
AND POLITICAL HUMAN RIGHTS REINFORCE AND PROMOTE
BASIC ECONOMIC RIGHTS AND NEEDS OF PEOPLES, AND VICE
VERSA. CONSEQUENTLY, WE WILL ALSO SEEK TO PROVIDE
LEADERSHIP IN THE PURSUIT OF MEASURES TO ALLEVIATE
SUFFERING AND DEPRIVATION DUE TO LACK OF FOOD AND
ECONOMIC OPPORTUNITY, TO ENVIRONMENTAL ABUSES AND TO
DEFICIENT HEALTH CARE." THE KEY POINT TO MAKE IS THAT
WE ARE NOT SEEKING PRIMACY OF ONE SET OF RIGHTS OVER
THE OTHER, BUT RATHER A PARITY AMONG ALL THE RIGHTS
BEING CONSIDERED. FINALLY, YOU SHOULD MAKE CLEAR THAT,
HAD THE RESOLUTION, WHICH CONTAINS MUCH THAT WE
APPROVE, BEEN MORE BALANCED WITH RESPECT TO THE
IMPORTANT CONCEPT OF PARITY, WE GLADLY WOULD HAVE
SUPPORTED CONSENSUS.

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Sent Date: 19-Feb-1977 12:00:00 am
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